

1639

ATTORNEY'S DOCKET NO.: 2003390-0001 (ROBIC 29313-0001)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Lanctot, *et al.* Examiner: Epperson, John D.  
Serial No.: 09/641,931 Art Unit: 1639  
Filed: August 18, 2000  
For: NUCLEIC ACID MOLECULE, METHOD AND KIT FOR SELECTING A  
NUCLEIC ACID HAVING A DESIRED FEATURE

Assistant Commissioner for Patents  
Washington, DC 20231

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**TRANSMITTAL**

In response to the Examiner's Action that was mailed on October 18, 2002, enclosed please find the following:

- 1) Reply to Requirement for Restriction (2 pp.);
- 2) Preliminary Amendment (2 pp.);
- 3) Appendix A – Claim Replacements; Version to Show Changes Made (1 pg.); and
- 4) Return Postcard.

Please charge any additional fees or credit any overpayments that may be required to our Deposit Account No. 03-1721.

Respectfully submitted,

Nadège M. Lagneau, Ph.D.  
Reg. No. 51, 908 *for*

Brenda Herschbach Jarrell, Ph.D.  
Reg. No. 39, 223

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Dated: November 18, 2002

I hereby certify that this correspondence is being  
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Commissioner For Patents, Washington, D.C. 20231  
On November 18, 2002  
Kathy Hart Jager



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**REPLY TO REQUIREMENT FOR RESTRICTION**

In reply to the Examiner's Action that was mailed in the above-captioned case on October 18, 2002, Applicant elects the invention of Group I, claims 1-17, drawn to methods for selecting a nucleic acid having a desired feature. Applicant further elects the following species of the following subgroups as set forth in the Restriction Requirement:

in Subgroup 1, Applicant elects alphavirus as a single species of viral genome; claims 13 and 14 read on this species;

in Subgroup 2, Applicant elects a cellular host as a single species of host; claims 1-17 are generic to this species;

in Subgroup 3, Applicant elects a library of nucleic acids as a single species of exogenous nucleic acid; claims 11 and 12 read on this species;

in Subgroup 4, Applicant elects the method of modifying said viral genome in order to inactivate a viral gene product involved in the packaging of said viral particles as a single species of suppressive condition; claims 2, 3, 4 and 5 read on this species;

in Subgroup 5, Applicant elects nucleic acids encoding proteins or peptides having a proteolytic activity as a single species of desired feature; claim 6 reads on this species;

in Subgroup 6, Applicant believes that a suppressive condition has already been elected in Subgroup 4 so that Subgroup 6 does not have to be elected;

in Subgroup 7, Applicant elects a RNA form as a single species of transfection; claim 8 reads on this species;

in Subgroup 8, Applicant elects a cDNA fragment as a single species of nucleic acid origin; claim 12 reads on this species.

Please charge any fees that may be associated with this matter, or credit any overpayments, to our Deposit Account No.03-1721.

Respectfully submitted,



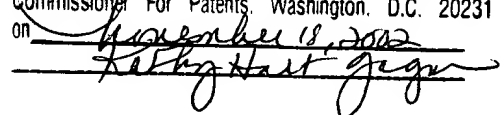
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**PRELIMINARY AMENDMENT**

Applicant respectfully requests entry of the following amendments in the above-referenced application:

**Amendments to the Claims:**

Please amend claim 43 as detailed below and in the attached Version to Show Changes Made (Appendix A).

*Please replace claim 43 with amended claim 43:*

**E1** 43. The N-terminal amino acid sequence of claim 42, wherein said amino acid sequence is SAAPLVTAMCRSGNVS or SAAPLVTAMCGSGNVS.

**REMARKS**

Applicant respectfully requests entrance of the amendment as detailed above, in the above-referenced application. Applicant respectfully submits that no new matter is presented with this amendment. Specifically, claim 43 has been amended to correct a typographical error and to correct claim dependency. Applicant thanks the Examiner for identifying the discrepancy in claim dependency and respectfully requests consideration of this amendment.

Applicant would like to thank the Examiner in advance for favorable review of this

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